

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware corporation,

Plaintiff,

V.

No. 2:20-cv-01662-RSM

STATUS REPORT

KELLY FITZPATRICK, an individual;
SABRINA KELLY-KREJCI, an individual;
KANG WANG, an unknown entity, d/b/a
SEVENSTAR;
PUTIAN WEISEN TRADING CO., LTD, an
unknown entity, d/b/a LWENSTORE; JOSE A.
PAGAN, an individual, d/b/a GAM SPORTS;
YAN RUIQUN, an individual, d/b/a
KALOSUHA; JESSE A. FASNACHT, an
individual, d/b/a BRADYYER; BRADY
MICHAEL ABBOTT, an individual;
ZHUXIUBING, an unknown entity, d/b/a
GOGO TRENDY; CHENMAOQING, an
unknown entity, d/b/a MYERH STORE;
QUANFUWOWANGLUOKEJI (SHENZHEN)
YOUXIANGONGSI, an unknown entity, d/b/a
KEABIE; JINJIANGSHI OUSAIER TRADE
CO., LTD, an unknown entity, d/b/a WINJOY
MALL;
JINANSHITIANQIAOQUNATAISHANGMAO
YOUXIANGONGSI, an unknown entity, d/b/a
BIIKII;
HANDANSHIHANSHANQUZUOCHANGMA
OYIYOUXIANGONGSI, an unknown entity,
d/b/a GBEEGBEE.

Defendants.

1 Plaintiff Amazon.com, Inc. (“Amazon”) submits this status report to the Court in lieu of a
 2 Fed. R. Civ. P. 26(f) Joint Status Report and Discovery Plan. For the reasons explained below,
 3 Amazon has not conducted a Fed. R. Civ. P. 26(f) conference with the defendants because it has
 4 reached settlements in principle with the two defendants it has successfully served, Kelly
 5 Fitzpatrick and Sabrina Kelly-Krejci, and because Amazon has not yet been able to serve the
 6 remaining “Seller Defendants.”¹

7 Amazon filed this case alleging claims against defendants arising from defendants’
 8 promotion and sale of fraudulently branded, counterfeit products in the Amazon store, in
 9 violation of Sections 32 and 43(a) of the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a), *et seq.*,
 10 and the Washington Consumer Protection Act, RCW 19.86, *et seq.* *See* Dkt. 1. Although
 11 Amazon was able to serve defendants Kelly Fitzpatrick and Sabrina Kelly-Krejci, *see* Dkt. 11 at
 12 2-3, it was unable to serve the Seller Defendants, who actively misled Amazon as to their
 13 locations when registering their Amazon selling accounts, *id.* at 3-7. Therefore, none of the
 14 Seller Defendants have appeared in this case, and Amazon has not been able to conduct a Rule
 15 26(f) conference. However, Amazon requested, and the Court granted, leave to conduct
 16 expedited discovery to locate the current location of the Seller Defendants. *See* Dkts. 11 & 14.
 17 Based on its findings from that discovery—which indicate that all or nearly all of the Seller
 18 Defendants are located in China—Amazon intends to promptly file a Motion for Alternative
 19 Service.

20 Additionally, as noted above, Amazon successfully served Defendants Fitzpatrick and
 21 Kelly-Krejci with summonses and the Complaint shortly after filing the Complaint. Dkt. 11 at 2-
 22 3. For the last several months, Amazon has engaged in settlement negotiations with Fitzpatrick
 23 and Kelly-Krejci, and the parties have now reached settlements in principle. Amazon expects
 24

25 ¹ The “Seller Defendants” include defendants Kang Wang d/b/a Sevenstar; Putian Weisen Trading Co., Ltd. d/b/a
 26 Lwenstore; Jose A. Pagan d/b/a Gam Sports; Yan Ruiqun d/b/a Kalosuhu; Jesse a. Fasnacht d/b/a Bradyyer; Brady
 27 Michael Abbott; Zhuxiubing d/b/a Gogo Trendy; Chenmaoqing d/b/a Myerh Store; Quanfuwo network technology
 (Shenzhen) Co., Ltd. (translated from Chinese) d/b/a Keabie; Jinjiangshi Ousaier Trade Co., Ltd. d/b/a Winjoy
 Mall; Jinan Tianqiao District Natai Trading Co., Ltd. (translated from Chinese) d/b/a BIIKII; and Handan Hanshan
 zuochang Trade Co., Ltd. (translated from Chinese) d/b/a GbeeGbee.

1 that the settlements will be finalized within the next month and will notify the Court of the
2 finalized settlements promptly thereafter.

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4 DATED this 16th day of August, 2021.

5

s/ Sarah E. Cox

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11

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